IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C.R.No.6117 of 2005

Date of Decision : December 18, 2006.

Gurdeep Singh ..... Petitioner

Vs.

Mangal Singh through his LR Lakhwinder Singh, son of late Mangal Singh **(impleaded as his L.R. vide order dated 23.10.2006)** ..... Respondent

Coram : Hon'ble Mr.Justice P.S.Patwalia

* * *

Present : Mr.L.S.Wasu, Advocate
for the petitioner.

Mr.Padam Jain, Advocate
for the respondent.

* * *

P.S.Patwalia, J. (Oral) :

In the present revision petition challenge is to order dated 8.8.2005 vide which the trial court dismissed an application filed by the petitioner Gurdeep Singh under Section 151/152 CPC for reviewing the order dated 24.11.2001 passed by the Lok Adalat dismissing the Civil Suit No.364 instituted on 18.11.2000 on the basis of an alleged compromise entered into between the petitioner, defendant in the suit and the respondent, plaintiff in the suit.

When this case had come up for hearing on 31.8.2006 learned counsel for the petitioner had stated that in fact the respondent-plaintiff in his statement had categorically admitted that neither the petitioner nor his counsel was present when the order dated 24.11.2001 was passed by the President of Lok Adalat. However since the presence was recorded in the order of Lok Adalat I had granted time to the learned counsel for the

respondent to ascertain this position by passing the following order :-

> *"Learned counsel for the petitioner submits that the respondent-plaintiff in his statement recorded has categorically admitted that neither the petitioner nor his counsel were present at the time when the order dated 24.11.2001 was recorded by the President of Lok Adalat. A reading of the order however shows otherwise. I am of the opinion that if this fact is correct it would have a material bearing on the controversy.*
>
> *Learned counsel for the respondent seeks a short adjournment to ascertain the factual position.*
>
> *To come up on 14.09.2006."*

Today learned counsel for the respondent states that without going into this controversy, his client would have no objection if the order of the Lok Adalat is set aside and the suit is remanded back to the trial court for decision in accordance with law. This statement satisfies learned counsel for the petitioner as well. Consequently the order dated 8.8.2005 passed by the Civil Judge rejecting the application filed by the petitioner for recalling of the order passed by the Lok Adalat and also order dated 24.11.2001 passed by the Lok Adalat deciding the suit in terms of the compromise are both set aside. Resultantly the suit will now be restored before the civil court. The same would now be decided in accordance with law by the trial court.

The present revision petition is therefore allowed in the aforesaid terms.

December 18, 2006 (P.S.Patwalia)
monika Judge